



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Eleventh day of November Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice S.VAIDYANATHAN
and
The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) No.9056 of 2021
in
CRL A(MD) No.205 of 2020

PATCHAIMUTHU

... PETITIONER/PETITIONER/APPELLANT

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI
(CRIME NO. 955 OF 2013)

... RESPONDENT/RESPONDENT/RESPONDENT

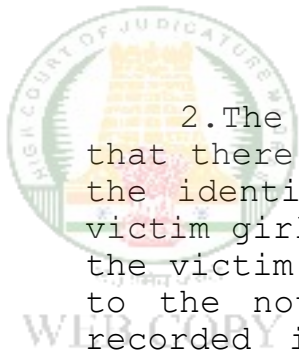
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence of imprisonment imposed by the Learned Special Court, Protection of Children from Sexual Offences Act 2012, Sivagangai in S.C. No. 97 of 2014 dated. 10.02.2020 and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

PRAYER IN CRL A(MD) No.205 OF 2020:

Pleased to set-aside the judgment and Conviction dated 10.02.2020 by the Learned Special Court, Protection of Children from Sexual Offences Act, 2012 Sivagangai in S.C.No.97 of 2014 and acquit the Appellant.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ASHOK.J., Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional public prosecutor on behalf of the Respondent, the Court made the following order:-

This application is filed by the life convict in S.C.No.97 of 2014 for suspension of sentence and bail, pending disposal of the criminal appeal.



2.The learned counsel for the petitioner/appellant would submit that there is contradictions in the evidence, particularly regarding the identity of the person, who had in contact with the deceased victim girl over phone and tortured her, which has led to suicide of the victim girl. The learned counsel for the petitioner also brought to the notice of this Court regarding the First Accident Report recorded in the Sivagangai Government Hospital admitted by the Investigating Officer, but not produced before this Court, which according to the learned counsel for the petitioner is contrary to the contend of the alleged dying declaration, which was marked as Ex.P.15.

3.Taking note of the fact, this Court is of the view that pending disposal of the appeal, the sentence may be suspended on the following conditions:

[a] the petitioner is directed to be enlarged on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like-sum to the satisfaction of the learned Special Judge, Protection of Children from Sexual Offences Act, 2012, Sivagangai;

[b] the petitioner shall appear before the respondent police once in every week, ie., on every Monday, at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] mobile number of the petitioner/accused shall be furnished to the respondent police and the petitioner should not change the mobile number;

[e] the petitioner shall not leave the headquarters without the permission of this Court;

[f] if the petitioner wants to leave the headquarters, he shall furnish the address, where he is going to stay and the mobile number of the person with whom he is going to stay;

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[h] on breach of any of the aforesaid conditions, the learned Special Judge/Trial Court is entitled to take appropriate action against the petitioner in accordance with law.

sd/-

11/11/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SPECIAL JUDGE,
PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012,
SIVAGANGAI.

2 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S. ASHOK.J, Advocate SR.No.7975

ORDER
IN
CRL MP(MD) No.9056 of 2021
in
CRL A(MD) No.205 of 2020
Date :11/11/2021

SS/JM/SAR-II/11.11.2021 : 3P/6C